

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 OCT -3 AM 10:40

UNITED STATES OF AMERICA,

Plaintiff,

v.

Bonafacio LOPEZ-Sanchez,

Defendant

Magistrate Docket No.

'07 MJ 2360 LP

COMPLAINT FOR VIOLATION OF DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **October 1, 2007** within the Southern District of California, defendant, **Bonafacio LOPEZ-Sanchez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Terri L. Dimolios

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **3rd** DAY OF **OCTOBER**, **2007**



Ruben B. Brooks

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Bonafacio LOPEZ-Sanchez

PROBABLE CAUSE STATEMENT

On October 1, 2007, Border Patrol Agent R. Plascencia responded to an activation of a seismic intrusion device located in Corte Madera, near Pine Valley, California. This area is located approximately twenty miles north and eight miles east of the Tecate, California Port of Entry. While searching the immediate area, at approximately 7:30 p.m., Agent Plascencia observed a group of subjects attempting to conceal themselves in the surrounding brush. Agent Plascencia identified himself as a Border Patrol Agent and began to question each subject as to their citizenship. Each of the subjects, including one later identified as the defendant **Bonafacio LOPEZ-Sanchez**, freely admitted to being citizens and nationals of Mexico illegally present in the United States. All subjects were arrested and transported to the Campo Station for processing.

At the station, routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 24, 2007** through **Hidalgo, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and was willing to answer questions without a lawyer present. The defendant again admitted to being a citizen and national of Mexico previously ordered removed without permission to legally re-enter the United States.